

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION**

MARANDA LYNN O'DONNELL, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 16-cv-01414
	)	(Consolidated Class Action)
HARRIS COUNTY, TEXAS, et al.	)	The Honorable Lee H. Rosenthal
	)	U.S. District Judge
Defendants.	)	
	)	

**NOTICE OF FILING OF EXHIBIT 2 IN SUPPORT OF DR. STEPHEN DEMUTH'S  
EXPERT REPORT IN RESPONSE TO THE OGG REPORT (Dkt. 727-1)**

On September 24, 2021, Plaintiffs filed an Expert Report by Dr. Stephen Demuth in response to District Attorney Kim Ogg's Report on "Bail, Crime & Public Safety." Dkt. 727-1. The Expert Report referenced Exhibit 2, which is a Letter dated June 1, 2020 from the Justice Management Institute ("JMI") to the Harris County Commissioners Court advising them on strategies to address the rising jail population and the case backlog (there were over 36,000 active felony cases as of May 1, 2020).<sup>1</sup> Exhibit 2 was inadvertently omitted from the filing on September 24. Plaintiffs file it now.

Date: September 27, 2021

Respectfully Submitted,

/s/ Alec Karakatsanis

/s/ Elizabeth Rossi

Alec George Karakatsanis  
alec@civilrightscorps.org

/s/ Neal S. Manne

Neal S. Manne  
Texas Bar No. 12937980  
nmanne@susmangodfrey.com

---

<sup>1</sup> JMI concluded that "the system's inability to handle the volume of felony cases" was the main cause of the "accelerated jail population," and advised dismissal of "all non-violent felony cases older than nine months, with exceptions like DWI[.]" *Id.* at 1–2. JMI noted that, although "[w]idespread dismissal . . . may seem unfathomable, [] in reality, only 42% of all disposed cases in 2019 were due to a conviction, excluding probation violations, and the rest were dismissed (34%), deferred (23%), or acquitted (3%)," and, "even when individuals were convicted on non-violent felony charges, the most likely outcome was release back into the community on probation." *Id.* at 2. Following their review of the backlog, JMI recommended "[a]ggressive and immediate action" and advised that "adding resources [such as more prosecutors or more judges] will not solve the problem any time soon." *Id.*

Elizabeth Rossi  
elizabeth@civilrightscorps.org  
Civil Rights Corps  
1601 Connecticut Ave NW, Suite 800  
Washington, DC 20009  
Telephone: (202) 681-2721

Lexie G. White  
Texas Bar No. 24048876  
lwhite@susmangodfrey.com  
Joseph S. Grinstein  
Texas Bar No. 24002188  
jgrinstein@susmangodfrey.com  
SUSMAN GODFREY L.L.P.  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002  
Telephone: (713) 651-9366  
Facsimile: (713) 654-6666

/s/ Michael Gervais  
Michael Gervais  
mgervais@susmangodfrey.com  
SUSMAN GODFREY L.L.P.  
1900 Avenue of the Stars, #1400  
Los Angeles, CA 90067  
Telephone: (310) 789-3100

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of September 2021, I electronically filed the foregoing with the clerk of the court for the U.S. District Court, Southern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Elizabeth Rossi  
Elizabeth Rossi